

AGENDA

**SPECIAL MEETING
BOARD OF COMMISSIONERS
315 WEST SECOND STREET
FRANKFORT, KY 40601
502/875-8500**

**DECEMBER 17, 2012
12:30 P.M. (EST)**

1. INVOCATION

Rev. William Hartung, Chaplain FPD

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

November 19, 2012 Work Session;
November 26, 2012 Regular Meeting

2. CEREMONIAL ITEMS

- 2.1** The Board of Commissioners traditionally recognizes city employees who are retiring or are being promoted. At this meeting, the following individuals within the Fire Department and the Planning and Building Codes Department will be recognized:

Fire Department

William (Bill) Sutton, retiring with 14 years, 4 months' service (Firefighter/Paramedic);

Planning and Building Codes

Jo Morgan, retiring with 20 years' service (Code Enforcement Inspector).

2.2 Check Presentation to Fire and EMS – Jason Middleton, Golden Living Center

3. CITIZEN COMMENTS – Agenda Items Only

4. ORDINANCES

- 4.1 SECOND READING:** An Ordinance amending Ordinance No.19, 2012 Series appropriating the revenue to be received by the City of Frankfort for the Fiscal Year 2012-13.

Purpose: The purpose of this item is to consider approval of an Ordinance amending the 2012-2013 Budget to provide monies for Human Resources to fund a wellness program and provide health insurance for working employee spouses. This amendment also provides funding for the Parks, Recreation, and Historic Sites Department to infill the East Frankfort Pool.

Background: The 2012-2013 Budget for the City of Frankfort was approved by the City Commission, on June 25, 2012. Since that time Human Resources has requested an amendment to provide for the wellness program and working employee spouse health insurance coverage. Additionally, the Parks Department has requested to infill the East Frankfort Pool. These costs were not included in the original budget.

This Ordinance had its first reading on November 26, 2012.

Financial Analysis: The Health Care and East Frankfort Project amendments will be paid from the City of Frankfort cash balance and or the investments of the City of Frankfort. The estimated cost for the health care amendments is \$175,000 and \$25,000 additional funds for the East Frankfort

Pool infill. Note that the total cost of the East Frankfort Pool infill is approximately \$40,000 in which the remaining \$15,000 is to be funded from original budgeted repair money.

Recommendation: Approval

Attachment:

- Ordinance

Contact Person:

Name: Steve Dawson
Title: Director
Department: Finance
Phone: 502/875-8500
Email: sdawson@frankfort-ky.gov

- 4.2 SECOND READING:** An Ordinance amending Section 100.1 of the City Code of Ordinances concerning abandoned urban property.

Purpose: To amend Section 100.1 of the Frankfort Code of Ordinances concerning abandoned urban property.

Background: Section 100.01 of the City of Frankfort Code of Ordinances concerning Abandoned Urban Property has been amended to 1) provide for the updating of the list of abandoned urban properties after any appeals have been heard; 2) provide for notice to the property owner of being included on the abandoned urban property list by first class mail, by posting the property and by posting on the City's website; 3) provide for removal from the abandoned urban properties list of properties that have been repaired, rehabilitated or remediated prior to May 1; and 4) for extending the date for filing an appeal to May 31. These steps should encourage property owners to more expeditiously repair or rehabilitate their properties to avoid the application of the triple tax rate.

This Ordinance had its first reading November 26, 2012.

Financial Analysis: N/A

Recommendation: For approval.

Attachment:

- Ordinance.

Contact Person:

Name: Gary Muller
Title: Director
Department: Planning and Building Codes
Phone: 502/875-8500
Email: Gmuller@Frankfort.ky.gov

- 4.3 SECOND READING:** An Ordinance concerning fitness for duty requirements for safety employees.

Purpose: To promulgate Section 37.21 and Section 40.06 of the City of Frankfort Code of Ordinances to implement the Fit for Duty program, which will allow safety employees to establish the required level of fitness through the job-related physical agility test or the Fit for Duty program.

Background: City of Frankfort safety employees sustain a significant number of injuries in the course of their duties, resulting in cost to the injured employee and to the City of Frankfort. Fitness training has been shown to increase and maintain work capacity, improve and maintain general health and reduce the potential for injury and loss of life. The City currently has a job-related physical agility test that is to be passed by safety employees. However, in order to provide further incentive to safety employees to maintain fitness standards, the Board of Commissioners is considering implementing the Fit for Duty program, which will allow employees to establish the required level of fitness through the job-related physical agility test or the Fit for Duty program. The Commissioners will also establish Fit for Duty leave, which will provide incentive for safety employees to maintain the required level of fitness.

This Ordinance had its first reading November 26, 2012.

Financial Analysis: The approval of the amendments to the ordinance should have minimal fiscal impact on the City.

Recommendation: Approval.

Attachment:

- Ordinance.

Contact Person:

Name: Robert C. Moore
Title: City Solicitor
Department:
Phone: 502/227-2271
Email: rmoore@hazelcox.com

4.4 SECOND READING: An Ordinance providing protection for employees reporting wrongdoing.

Purpose: To promulgate Sections 39.25 through 39.27, creating an ordinance prohibiting the City of Frankfort from sanctioning or penalizing employees reporting wrongdoing in the operations of the City of Frankfort and authorizing the filing of an action to enjoin such sanction or penalty and to recover damages, if appropriate.

Background: Proposed sections 39.25 through 39.27 of the City of Frankfort Code of Ordinances creates an ordinance prohibiting the City of Frankfort from sanctioning or penalizing employees reporting wrongdoing in the operations of the City of Frankfort and authorizing the filing of an action to enjoin such sanction or penalty and to recover damages, if appropriate.

This Ordinance had its first reading on November 26, 2012.

Financial Analysis: The approval of the ordinance should have minimal fiscal impact on the City.

Recommendation: Approval.

Attachment:

- Ordinance

Contact Person:

Name: Robert C. Moore
Title: City Solicitor
Department:

Phone: 502/227-2271
Email: rmoore@hazelcox.com

- 4.5 FIRST READING:** An Ordinance Amending Sections 39.04, 39.07, 39.12, 39.16, 39.17, 39.20, and 39.21 of the City of Frankfort Code of Ordinances.

Purpose: To amend Sections 39.04, 39.07, 39.12, 39.16, 39.17, 39.20, and 39.21 of the City of Frankfort Code of Ordinances to update the City's Code of Ethics.

Background: The Board of Ethics has requested the Board of Commissioners to make certain updates and revisions to the City of Frankfort Code of Ethics by making technical clarifications, adding a definition of Department Head, requiring Department Heads to file Statements of Financial Interest, changing the date for the filing of Statements of Financial Interest to February 28 of each year, increasing the number of members of the Board of Ethics to 5, allowing an ethics complaint to be filed with the chairperson of the Board of Ethics, and stating that requests for advisory opinions and the opinions themselves shall be public documents unless otherwise provided by the state Open Records Act.

Financial Analysis: The approval of the ordinance should have minimal fiscal impact on the City.

Recommendation: For approval.

Attachment:

- Ordinance.

Contact Person:

Name: Robert Moore
Title: City Attorney
Department:
Phone: 502/227-2271
Email: Rmoore@Hazelcox.com

5. ORDERS

None

6. RESOLUTIONS

None

7. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. *The City Manager will read the items recommended for approval.*

- 7.1** To authorize the Mayor to sign an agreement between HCC Life Insurance Company and the City of Frankfort (Human Resources)

Purpose: To authorize the Mayor to sign all applicable documents with HCC Life Insurance to provide Stop Loss insurance for the self-insured group health insurance plan. Other than one stated exception in the policy, this coverage will limit City health claims exposure to \$75,000 per insured, and \$3,914,550 annual aggregate deductible.

Background: The City purchases stop loss insurance to limit health insurance claim risk. Wells Fargo, our broker, sought bids from several carriers, and after negotiations HCC provided the best final proposal.

Recommendation: Approval

Financial Analysis: Approximately \$600,000 depending upon employee census, health plan participation and medical claims. Funds are available in the respective Health Care Accounts (100.55.52154 and 200.68.52154).

Attachment:

- Insurance Application, and endorsement (to be provided)

Contact Person

Name: Randy Donahue
Title: HR Director
Department: City Manager/Human Resources
Phone: 502-875-8500
Email: rdonahue@frankfort.ky.gov

- 7.2 To authorize the filing of an application for 2012-2013 Kentucky League of Cities Safety and Liability Grant funds and designating the Mayor to execute all grant documents pertaining to this application (Public Works and Grants Manager).

Purpose: To authorize the filing of an application for 2012-2013 Kentucky League of Cities Safety and Liability Grant funds and to authorize the Mayor to execute all grant documents pertaining to this application.

Background: The Kentucky League of Cities currently has grant funds available to cities to utilize to address Safety and Liability issues. Since the City of Frankfort has only liability insurance through the League of Cities, we can only apply for items that address safety of the public or liability issues. The grant requires a 50/50 match and the city can be reimbursed for up to \$3,000.00. The Public Works (Streets) Department has applied for funding of training and equipment such as signage and barrels to alert the public to possible work areas.

Financial Analysis: The grant does require a 50/50 match and equipment was already planned for in the budget. This grant will help recoup up to \$3,000.00 for those expenses.

Recommendation: Approval

Attachments: None

Contact:

Name:	Thomas Bradley	Rebecca Hall
Title:	Acting Director	Grants Manager
Department:	Public Works	City Manager
Phone:	502/875-8500	502/875-8500
Email:	Tbradley@frankfort.ky.gov	Rhall@Frankfort.ky.gov

- 7.3 To authorize a contract award with Transit Wash Bay Design, and authorize the Mayor to sign all related documents (Public Works Department).

Purpose: The purpose of this item is to award a Transit Wash Bay Design Phase I contract for Transit to QK4, Architecture, Engineering and Planning, once final approval from the Kentucky Transportation Cabinet has been obtained.

Background: The purpose of this item is to award a Transit Wash Bay Design Phase I contract for Transit to QK4, Architecture, Engineering and Planning once final approval from the state has been obtained. The Office of Transportation Delivery has given initial approval of the City's awarding the contract to QK4 (see letter dated (8/29/12).

Financial Analysis: There are grant funds available through a 5309 Capital Transit Grant to cover the cost (\$31,500) of this project. Funds will initially be spent from the Transportation Improvement Account (530.00.51100) and then be reimbursed with grant funds.

Recommendation: Approval

Attachments:

- Agreement
- Vendor Agreement
- Kentucky Office of Transportation Delivery letter dated 8/29/12

Contact Person

Name:	Thomas Bradley	Rebecca Hall
Title:	Interim Director	Grants Manager
Department:	Public Works	City Manager
Phone:	502/875-8500	502/875-5800
Email:	Tbradley@frankfort.ky.gov	rhall@frankfort.ky.gov

- 7.4** To authorize approval of Amendment #5 to the engineering contract with GRW Engineers for the design of the new Pump Station along the US 421 corridor to replace the Industrial Park Pump Station and for the Mayor to sign all documents related to the project (Sewer Department).

Purpose: The purpose of this item is to consider approving Amendment # 5, to the contract with GRW Engineers for resident observation for a new Pump Station along the US 421 corridor to replace the Industrial Park Pump Station and for the Mayor to sign all documents related to the project.

Background: In February 2006 a contract was entered into with GRW Engineers to prepare a Feasibility Study and Master Plan for addressing the sewer along the US 421 corridor. This project is estimated to eliminate 5 sanitary sewer overflows.

Amendment #5 covers additional fees incurred by contractor delay. This amendment will be reimbursed by the contractor through liquidated damages.

The total contract amount is summarized below:

Original Contract	\$ 50,000.00
Amendment # 1	149,092.00
Amendment # 2	331,858.00
Amendment # 3	29,086.05
Amendment # 4	100,805.00
Amendment # 5	<u>45,909.00</u>
Revised Contract	\$706,750.05

Financial Analysis: Funds are available in account 300.68.54390. The budget for this account is \$14,535,000 and as of November 1, 2012 this account had \$461,633 expensed and encumbered.

Recommendation: Approval

Attachment:

- Amendment No. 5

Contact Person:

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@frankfort.ky.gov

- 7.5 To authorize approval of Change Order 2 for the Myrtle Avenue Sewer Phase II Project and authorize the Mayor to sign all documents associated with the Change Order (Sewer Department).

Purpose: To approve Change Order 2 for the rehabilitation of approximately 4,500 feet of gravity sewer main and 30 manholes in the Myrtle Avenue Sewer Phase II Project and authorize the Mayor to sign all documents associated with the Change Order.

Background: Field conditions of the pipes in the Myrtle Avenue area were found to be in a different alignment than what was drawn on the as-built drawings for the area. This led to various changes for the contractor on the construction plans. Change Order 2 covers all of the changes that have been found to this point. The amount of Change Order No. 2 is \$175,145.

The total contract amount is summarized below:

Original Contract	\$ 678,591.00
Change Order # 1	28,425.00
Change Order # 2	<u>175,145.00</u>
Revised Contract	\$ 882,161.00

Financial Analysis: Funds are available in Account No. 300.68.54390. The budget for this account is \$14,535,000 and as of November 1, 2012 this account had \$461,633 expensed and encumbered.

Recommendation: Approval

Attachment:

- Change Order 2 (Draft)

Contact Person:

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@frankfort.ky.gov

- 7.6 To authorize Amendment #5 for a professional services contract with Jacobs Engineering (Jacobs), a.k.a. Jordan, Jones, and Goulding (JJG), for design of the Two Creeks Sewer Collection System and Pump Station and authorize the Mayor to sign all documents associated with the Amendment (Sewer Department).

Purpose: The purpose of this item is to consider amending a contract with Jacobs Engineering, a.k.a. Jordan, Jones, and Goulding, for Engineering Design Services for the Two Creeks #2 Pump Station, Two Creeks #3 Pump Station, and Goshen Pump Station and authorize the Mayor to sign all documents associated with the Amendment.

Background: A contract for preliminary design and evaluation was awarded to JJG in June of 2008. This Amendment #5 is for additional cost associated with design and survey costs associated with changes in design location, along with the addition of a sewer line for replacement. The total additional cost associated with Amendment #5 will be \$39,809.

The total contract amount is summarized below:

Original Agreement	\$ 55,000
Amendment No. 1	\$ 27,600
Amendment No. 2	\$ 263,500
Amendment No. 3	\$ 11,868
Amendment No. 4	\$42,377
Amendment No. 5	<u>\$39,809</u>
TOTAL CONTRACT	\$440,154

Financial Analysis: Funds are available in Account No. 300.68.54390. The budget for this account is \$14,535,000 and as of November 1, 2012 this account had \$461,633 expensed and encumbered.

Recommendation: Approval

Attachment:

- Amendment 5 (Draft)

Contact Person:

Name: William R. Scalf, Jr., PE
Title: Director
Department: Sewer
Phone: 502/875-2448
Email: wscalf@frankfort.ky.gov

7.7

PERSONNEL

Personnel Action	Employee	Department	Date	Other
Retirement	Jo Morgan	Planning/Building	12/31/12	Code Enforcement Inspector; authorize payment for accrued leave;
Retirement	William D Sutton	Fire/EMS	12/31/12	Firefighter III; authorize payment for accrued leave.

Attachments:

- Jo Morgan Retirement letter
- William D. Sutton Retirement letter

Contact Person

Name: Randy Donahue
Title: Human Resources Director
Department: Human Resources/City Manager

Phone: 502/875-8500
Email: rdonadue@frankfort.ky.gov

8. BOARD APPOINTMENTS

8.1 Board of Ethics: Appointment of Joni Napier Crowe for a term ending 12-31-15.

8.2 Code Enforcement Board – Appointment of Louis E. McClain for a term ending 3-22-15.

Attachments:

- Letters of recommendation from Mayor Graham
- Joni Napier Crowe resume
- Louis E. McClain resume

9. OLD BUSINESS

9.1 To authorize acceptance of the 2011-12 annual audit for the City of Frankfort (Finance Department).

Purpose: To consider acceptance of the 2011-12 annual audit for the City of Frankfort as prepared by Mountjoy Chilton Medley, LLP.

Background: The 2011-12 annual audit has been completed and was presented to the Board at the 11-26-12 commission meeting.

Financial Analysis: Funding in the amount of \$19,990 is allocated in General Fund Account 100.20.53220 and \$10,000 is allocated in Sewer Account 200.68.53220 for a total payment to Mountjoy Chilton Medley, LLP of \$29,990.

Recommendation: Approval

Attachments: Audit was previously provided

Contact Person:

Name: Steve Dawson
Title: Director
Department: Finance
Phone: 502/875-8500
Email: sdawson@frankfort.ky.gov

10. NEW BUSINESS

None

11. ADJOURNMENT